

REMARKS

Claims 17-28 were examined in the final Office Action dated December 3, 2003. Applicants submitted an Amendment Under 37 CFR §1.116 on May 27, 2004 and received an Advisory Action dated July 19, 2004. All of the rejections under 35 U.S.C. §112, first and second paragraph were withdrawn in the Advisory Action. The Office maintained the rejection of claims 17-23 and 25 over Costantino et al., *Vaccine* (1992) 10:691-698 (“Costantino”) and van der Voort et al., *Infect. Immun.* (1996) 64:2745-2751 (“van der Voort”) in view of Paradiso et al., *Dev. Biol. Stand.* (1996) 87:269-275 (“Paradiso”), as well as the rejection of claim 24 over the combination of Costantino, van der Voort and Paradiso, and U.S. Patent No. 6,413,520 to Granoff. Applicants note that claims 26-28 were not subject to any art rejections and are therefore presumed to be allowable.

Claims 17 and 23 have been amended herein. Claim 17 now recites the presence of an adjuvant. Dependent claim 23 has been amended to track the language of claim 17. Support for the amendment can be found throughout the specification at, for example, page 2, line 30 to page 3, line 1; page 7, lines 20-21; and page 9, line 25. Amendment of the claims is without prejudice, without intent to abandon any originally claimed subject matter, and without intent to acquiesce in any rejection of record.

Applicants submit the stated combinations fail to render the claims obvious. As shown in the examples, the use of adjuvants such as MF59 and Alum in formulations including the NmC conjugate and NmB proteoliposomic vesicles provided significantly higher NmB antibody responses (Figure 1A) and NmB bacteriocidal responses (Figure 2A) than other formulations tested.

CONCLUSION

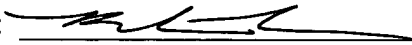
Applicants respectfully submit that the claims define an invention that is patentable over the art. Accordingly, a Notice of Allowance is believed in order and is respectfully requested.

Please send all further written communications in this case to:

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Respectfully submitted,

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